APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,280	08/27/2001	Frederick H. Carter	15437-0546	4555

45657	7590	04/14/2006

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EXAMINER
BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>03 April 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *None*.

   Claim(s) objected to: *None*.

   Claim(s) rejected: *1-9, 13-22 and 26*.

   Claim(s) withdrawn from consideration: *None*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.
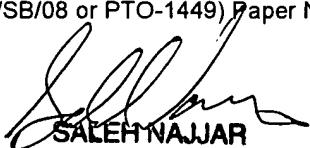
SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: REMARKS
    Applicant presents no amendments to the claims, only provides arguments claiming elements are not disclosed, taught or suggested by the prior art. It seems applicant is mostly confused by the office action.
The Applicant Argues:
the Manukyan reference is directed to contrasting subject matter and that the office action points out constituent elements without consideration as the relationship between those elements.
In response, the examiner respectfully submits:
The examiner will clarify the position in this advisory action. The examiner maintains the prior art is relevant but some of the citations may be updated to point to more relevant portions of the reference. The examiner maintains that Manukyan does anticipate the claimed invention and that applicant is taking a narrow view of broad claim limitations. The examiner reminds applicant that the reference in its entirety is used when making a rejection, not just the mapped portions

1.   Regarding claim 1, in a process comprising at least one activity, a computer implemented method for performing an activity (Manukyan: col. 3, lines 1-10;), comprising:
Here in the preamble, applicant has claimed a process comprising at least one computer implemented activity. Col. 3, lines 1-10 teach an activity of a server daemon making a service available to the client.
2.   receiving a message, from a process management engine (Manukyan: col. 16, lines 25-41), to perform an activity which calls for invocation of a service provided by a service application (Manukyan: col. 10, lines 15-18), said service being invocable using a protocol (Manukyan: col. 9, lines 16-24), and said service, when invoked, provides one or more results of performing said service (Manukyan: col. 3, lines 7-8; make service available);
This limitation, process management engine, is open to interpretation because it is not defined. Col. 16, lines 25-41 teach a task management program that transfers work to be performed by each server. The interactive servers each contain daemon servers for configuring and implementing the services. The server receives the task (or message) from the task management program (process management engine), to perform invoke a service provided by a service application (col. 8, lines 10-16). Col. 8, lines 10-16 teach many different service applications such as mail, FTP, log. The results of the invoked service are the actual implementation of the service. The limitation of results is broad and undefined.
3.   . obtaining a service definition for said service (Manukyan: col. 11, lines 1-28, 55-66), wherein said service definition comprises mapping information that maps one or more attributes associated with said activity to one or more parameters used by said service (Manukyan: col. 8, lines 52-64), wherein said service definition for said service comprises an indication that said protocol is to be used to invoke said service (Manukyan: col. 8, lines 52-64);
Manukyan teaches the daemon server implements and adjusts the services based on the settings of the account of the client (col. 11, lines 15-17). A service name for each daemon provided by each server is maintained in a server list. The server list maps ports and protocols with each service. (col. 9, lines 52-60). The service definition is interpreted as the account settings of the client. The account settings have parameters and settings that relate to the functions of the service. The users for the action, passwords and type of services are all attributes associated with particular services.
4.   selecting a first set of logic, from a plurality of sets of logic, based upon said indication in said service definition for said service, wherein said first set of logic implements said protocol (Manukyan: col. 11, lines 15-23);
Manukyan shows implementing the services based on the account settings. Reinforced further by col. 11, lines 15-23. The selected set of logic is the logic to meet the clients needs.
5.   executing said first set of logic which implements said protocol to generate a service invocation (Manukyan: col. 11, lines 15-23), wherein said service invocation is generated based upon at least a portion of information, and is in compliance with said protocol (Manukyan: col. 11, lines 15-23) and
Manukyan teaches implementing the set of logic to perform the steps needed to invoke the services. The services implemented and invoked are based on protocols and ports as specified either in the client account settings or the service list of col. 8.
6.   sending said service invocation to said service application to invoke said service (Manukyan: col. 10, lines 7-35; col. 16, lines 25-40).
The task management program sends the tasks to the daemon to implement and instantiate the service.
7.   receiving a reply from said service application which comprises said one or more results (Manukyan: col. 17, lines 22-27); and
The task management program as a part of the database server will awaits a further connection from the server, indicating that the tasks have been performed and changed.
8.   providing at least a portion of said one or more results to said process management engine to complete performance of said activity (Manukyan: col. 17, lines 22-27).
The indication that tasks have been completed, the configuration files have been updated, modified or changed is a result of the activity and message.